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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,212	01/17/2008	Martin Hahner	095309.57328US	1018

23911 7590 04/24/2009
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EXAMINER

PARRIES, DRU M

ART UNIT	PAPER NUMBER
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2836

MAIL DATE	DELIVERY MODE
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04/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/566,212	HAHNER ET AL.	
	Examiner	Art Unit	
	DRU M. PARRIES	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-27-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Talbot (6,206,452). Regarding claim 7, Talbot teaches a safety system for operating at least one electrically operated locking device of a door of a vehicle, said safety system comprising a control unit that is coupled to lock actuating devices for controlling electric opening of said door; wherein: said control unit (4) inhibits electric opening of the locking device, as a function of sensor values (23a,b,c) which are related to a driving situation (i.e. where children are seated) and which indicate a hazardous situation (i.e. children attempting to open a car door); and said inhibiting is also dependent on seat occupancy detected by means of a sensor. (Abstract)

Regarding claim 8, Talbot teaches wherein electric opening can be inhibited only for locking devices of doors which are adjacent to a vehicle occupant.

Regarding claim 10, Talbot teaches wherein the door of the vehicle is a rear door (16/17).

Claim Rejections - 35 USC § 103

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talbot (6,206,452) and Bartel (4,949,804). Talbot teaches a safety system as described above. Talbot fails to explicitly teach inhibiting opening as a function of a rate of rotation. Bartel teaches a safety system for a vehicle door wherein electric opening of a door can be inhibited as a function of a

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rate of rotation (of a wheel of the vehicle) detected by a sensor (speed detector, 5) relative to a rotational axis (perpendicular to the wheel), only for locking devices of doors on a radially outer side of the vehicle (the four main doors). (Col. 2, lines 54-68) It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the function of a rate of rotation taught in Bartel as one of the parameters that could be used to inhibit opening of the locking device, since it would add another level of protection for the occupants inside of said vehicle.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talbot (6,206,452) and Aiyama et al. (2003/0184098). Talbot teaches a safety system as described above. Talbot fails to explicitly teach an impact/crash sensor for the vehicle. Aiyama teaches a crash sensor (17) wherein electric opening of a locking device is inhibited as a function of said crash sensor. Aiyama also teaches a control unit (8) that maintains an impact-induced opening blockage for a period of time. ([0026], [0027]) It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Aiyama's crash sensor into Talbot's invention to add another level of protection for the occupants inside of said vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on Monday -Thursday from 9:00am to 6:00pm. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms, can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

4-13-2009

/Fritz M Fleming/

Primary Examiner, Art Unit 2836